

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,

Petitioner,

v.

PATRICK COVELLO,

Respondent.

Case No. [22-cv-00882-WHO](#) (PR)

**ORDER STAYING ACTION**

Petitioner Antoine Deshawn Barnes's motion to stay habeas proceedings so that he can exhaust claims in state court is GRANTED. (Dkt. No. 14 at 1.) This federal habeas action is STAYED under *Rhines v. Webber*, 544 U.S. 269 (2005). Nothing further will take place in this suit until the Court decides further action is appropriate, or until Barnes meets the conditions for dissolving the stay.

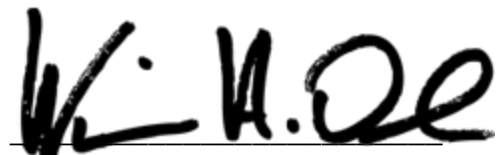
After obtaining a decision from the state supreme court on his unexhausted claims, Barnes must file in this Court a motion to dissolve the stay and to reopen federal habeas proceedings. The motion must have the words MOTION TO REOPEN written on the first page. It must also contain an amended petition on this Court's form. The amended petition must include the caption and civil case number used in this order (22-00882 WHO (PR)) and the words THIRD AMENDED PETITION must be written on the first page. Because an amended petition completely replaces the previous petitions, Barnes must include in his amended petition all the claims he wishes to present. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). He may not incorporate material from a prior petition by reference. Any unexhausted claims will be summarily dismissed.

1 Barnes is reminded that because he entered into a plea agreement the only  
2 challenges left open to him on federal habeas corpus review concern (i) the voluntary and  
3 intelligent character of the plea and (ii) the adequacy of the advice of counsel. *Womack v.*  
4 *Del Papa*, 497 F.3d 998, 1002 (9th Cir. 2007) (quoting *Hill v. Lockhart*, 474 U.S. 52, 56-  
5 57 (1985)).

6 The Clerk shall ADMINISTRATIVELY CLOSE the file pending the stay of this  
7 action.

8 **IT IS SO ORDERED.**

9 **Dated:** January 23, 2024



10 WILLIAM H. ORRICK  
11 United States District Judge  
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